



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
EFREN GARRIDO, individually and on
behalf of all others similarly situated,

21-cv-04084 (MKV)

AFFIDAVIT OF EFREN GARRIDO

Plaintiff,

-against-

F&M CONSTRUCTION AND
DEVELOPMENT CORP, and FODIE M
KOITA,

Defendants.
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I, Efren Garrido, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the named Plaintiff in the above-captioned lawsuit. As such, this Affidavit is based entirely upon facts and circumstances within my personal knowledge.

2. I currently reside in New York County, State of New York.

3. I was employed by F&M Construction and Development Corp as a manual laborer.

4. As a mason, my job duties entailed installing stucco on Defendants' customers' properties.

5. My dates of employment were from on or about August 12, 2020 until on or about October 6, 2020.

6. During my first week of employment, I worked Wednesday from 7:00 a.m. to 3:30 p.m. with a thirty-minute meal break; Thursday from 7:00 a.m. to 4:30 p.m. with a thirty-minute meal break; Friday from 7:00 a.m. to 5:00 p.m. with a thirty-minute meal break; and Saturday from 9:00 a.m. to 4:00 p.m. with a thirty-minute meal break.

7. During my first week of employment, I worked 33 hours.

8. From then on, I worked: Monday through Wednesday from 7:00 a.m. to 3:30 p.m. with a thirty-minute meal break; Thursday from 7:00 a.m. to 4:30 p.m. with a thirty-minute meal break; and Friday from 7:00 a.m. to 5:00 p.m. with a thirty-minute meal break.

9. Additionally, I worked several Saturdays from 9:00 a.m. to 4:00 p.m. with a thirty-minute meal break, including: August 22, 2020, September 19, 2020, and September 26, 2020.

10. During the weeks that I worked Saturdays, I worked 49 hours.

11. During the other weeks of my employment, I worked 42.5 hours.

12. During my final week of employment, I worked Monday and Tuesday from 7:00 a.m. to 3:30 p.m. with a thirty-minute meal break for a total of 16 hours.

13. My rate of pay was \$40.00 per hour.

14. However, I only received a single paycheck during my employment in the amount of \$1,150.00 on or about September 1, 2020, which was for my first week of work. However, I was only paid for 28.75 hours when I actually worked 33 hours.

15. F&M Construction and Development Corp did not pay me any other wages during the rest of my employment.

16. Throughout the remainder of my employment, I was not paid my regular wages for any week except the first.

17. Throughout my employment, I was never paid overtime compensation for any of the hours that I worked beyond 40 each week.

18. Throughout my employment, I was never given a wage notice in my primary language that explained who my employer was or how I was supposed to be paid.

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19. Throughout my employment, I was never given paystubs that included my rate of pay, hours worked, or any other information.

Dated: December 7, 2023


EFREN GARRIDO

STATE OF NEW YORK)
) ss
COUNTY OF NASSAU)

On December 7, 2023, before me, the undersigned, personally appeared Efren Garrido, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

I, JALIXSA MUENTES, being duly sworn, deposes and says:

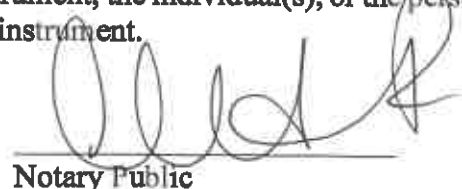
I am fluent in reading, writing, and speaking both English and Spanish languages. On December 7, 2023, I translated the above Affidavit to Efren Garrido from English to Spanish. Mr. Garrido informed me that he fully understood the translation from English to Spanish and further informed me that the contents of the above Affidavit were all true, except those matters alleged upon information and belief, and as to those matters, he believed them to be true as well.


JALIXSA MUENTES

STATE OF NEW YORK)
) ss
COUNTY OF NASSAU)

On December 7, 2023, before me, the undersigned, personally appeared Jalixsa Muentes, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.




Notary Public